

Appln No. 10/758,558

Amendment in Reply to the Office action dated Feb. 23, 2005

REMARKS

The foregoing amendments to the claims are submitted so as to emphasize the basis for traversal of the restriction requirement, in response to which applicant hereby elects with traverse claims 1-5 directed to apparatus for treatment of a target surface.

According to the Office action, the restriction requirement is deemed to be proper because the apparatus as allegedly set forth in claims 1-5 can be used to apply either adhesive or sealant as coatings for use in the surface treating processes or methods that are materially or distinctly different from each other. However according to Section 806.05(c), M.P.E.P., referred to in the Office action, the apparatus claims 1-5 if ultimately allowed would require rejoinder of the restriction requirement under Section 821.04 M.P.E.P., by virtue of recitation therein of "means" for practicing the different processes or methods. In this regard amended claim 1, upon which claims 2-5 are dependent, specifies: "selectively controlled--means--to perform said treatment of the target surface". Such processes or methods are covered by the other claims 6-8. Accordingly, withdrawal of the restriction requirement and examination of both the elected apparatus claims 1-5 and the non-elected method claims 6-8 on the merits thereof is believed to be in order.

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Examination of the present application on the merits is therefore now expected in due course.

Respectfully submitted,



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